

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Tomas LEON et al.

Serial No.: 09/550,752

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For: INVESTMENT MANAGEMENT

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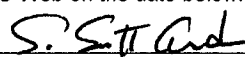
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**CERTIFICATE OF ELECTRONIC TRANSMISSION
37 C.F.R. § 1.8**

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

March 30, 2010
Date


S. Scott Gordon

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF DATED MARCH 18, 2010**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant submits this Response to the Notification of Non-Compliant Appeal Brief dated March 18, 2010 (the "Notification"), for which the date for response is April 18, 2010. It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees

from Fulbright & Jaworski Deposit Account No. 50-1212/TTHC:003US/
10013416.

The Notification indicates that Section V of the Appeal Brief filed March 1, 2010, is defective in that independent claims 46, 50, 54 and 58 do not separately refer to the specification by page and line number to show where the support for the subject matter defined in each claim can be located. The Notification further states that a new Appeal Brief is not required, and that only the defective section must be submitted. Accordingly, Appellants submit herewith a revised Section V of the Appeal Brief filed March 1, 2010.

Appellants believe that this paper is a full and complete response to the Notification of March 18, 2010.

Respectfully submitted,



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Date: March 30, 2010

V. SUMMARY OF CLAIMED SUBJECT MATTER¹

Independent claim 34 is directed to an electronic inflation-adjusted financial instrument stored in a data storage device. (See Fig. 1; *specification*, pg. 10, ll. 1-2 [describing Deposit Funds Available Data File 16 (“DFADF”)], and ll. 20-21 [describing Loan Funds Desired Data File 20 (“LFDDF”)]). The claim also recites a principal component stored in a data storage device, the principal component being periodically adjusted for inflation based on the Consumer Price Index (CPI) to obtain an inflation-adjusted principal component (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). An accrual component stored in a data storage device is also included, the accrual component including an interest rate fixed for a term of the financial instrument. (Figs. 1-2; *specification*, pg. 10, ll. 13-15; pg. 11, ll. 12-26; pg. 12, ll. 7-20). The periodic interest payments are paid based on the inflation-adjusted principal component at the time said periodic interest payments are paid. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19). Additionally, the inflation-adjusted principal component is payable at the end of the term. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).

Independent claim 38 is directed to an electronic inflation-adjusted financial instrument stored in a data storage device (FIG. 1; *specification*, pg. 10, ll. 1-6, 20-

¹ Parentheticals citing to support in the specification for the claim language are exemplary and not meant to indicate that the specific citations are the only support in the specification for the claim language.

25; pg. 14 ll. 5-9; pg. 20 ll. 4-6). The instrument includes a principal component stored in a data storage device. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The instrument also includes an accrual component stored in a data storage device, where the accrual component has fixed and variable interest components payable periodically. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). Additionally, the variable interest component of the instrument is adjusted for inflation based on the Consumer Price Index (CPI). (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The principal component of the instrument of claim 38 is payable at the end of a term of the financial instrument. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).

Independent claim 46 is directed to a dataprocessor suitably configured to perform the functions described above. (Fig. 1; *specification*, pg. 12, ll. 7-9). The dataprocessor is configured to periodically adjust a principal component of a financial instrument for inflation based on the Consumer Price Index (CPI) to obtain an inflation-adjusted principal component (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The dataprocessor is also configured to compute an accrual component of the financial instrument where the accrual component includes an interest rate fixed for a term of the financial instrument. (Figs. 1-2; *specification*, pg. 10, ll. 13-15; pg. 11, ll. 12-26; pg. 12, ll. 7-20). The periodic interest payments are paid based on the inflation-adjusted principal component at

the time said periodic interest payments are paid. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19). Additionally, the inflation-adjusted principal component is payable at the end of the term. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).

Independent claim 50 is directed to a dataprocessor suitably configured to perform the functions described above. (Fig. 1; *specification*, pg. 12, ll. 7-9). The dataprocessor is configured to compute a principal component of a financial instrument. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The dataprocessor is also configured to compute an accrual component of the financial instrument, where the accrual component has fixed and variable interest components payable periodically. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). Additionally, the dataprocessor is configured to adjust the variable interest component of the instrument for inflation based on the Consumer Price Index (CPI). (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The principal component of the instrument is payable at the end of a term of the financial instrument. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).

Independent claim 54 is directed to a method for adjusting a financial instrument for inflation that includes functions performed by a dataprocessor. (Figs 1-4; *specification* pg. 12, ll. 7-9). The method includes the dataprocessor-performed step of periodically adjusting a principal component of a financial

instrument for inflation based on the Consumer Price Index (CPI) to obtain an inflation-adjusted principal component (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The method also includes the dataprocessor-performed step of computing an accrual component of the financial instrument where the accrual component includes an interest rate fixed for a term of the financial instrument. (Figs. 1-2; *specification*, pg. 10, ll. 13-15; pg. 11, ll. 12-26; pg. 12, ll. 7-20). The periodic interest payments are paid based on the inflation-adjusted principal component at the time said periodic interest payments are paid. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19). Also, the inflation-adjusted principal component is payable at the end of the term. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).

Independent claim 58 is directed to a method for adjusting a financial instrument for inflation that includes certain functions performed by a dataprocessor. (Figs 1-4; *specification* pg. 12, ll. 7-9). The method includes the dataprocessor-performed step of computing a principal component of the financial instrument. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The method also includes the dataprocessor-performed step of computing an accrual component of the financial instrument where the accrual component has fixed and variable interest components payable periodically. (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). The variable interest component of the accrual

component is adjusted by the dataprocessor for inflation based on the Consumer Price Index (CPI). (Figs. 1-2; *specification*, pg. 11, ll. 12-26; pg. 13, ll. 4-36). Additionally, the principal component of the instrument is payable at the end of a term of the financial instrument. (Figs. 1-2; *specification*, pg. 11, ll. 22-36; pg. 15, ll. 1-19).